



Housing Policy and Practices Advisory Group

Staff Report: Provision for a Variety of Housing Types

Overview: Housing elements are inconsistent with their approach to addressing the need for a variety of housing types and focus mostly on the provision of zoning rather than site identification. In addition, in the implementation of SB2 related to emergency shelters, some jurisdictions are proposing criteria that are beyond what is in the actual statutory language such as management plans and additional proximity criteria.

HCD Preliminary Proposals:

A) Modify Government Code (GC) 65583.2(C) to include single-room occupancy units to be consistent with the program requirements of GC 65583(c)(1).

Type of Recommended Change			
<input type="checkbox"/> Policy	<input type="checkbox"/> Procedural	<input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> No Change

B) As part of the housing conditions analysis, request a description and analysis of mobile home stock to better inform program for the provision of mobilehomes.

Type of Recommended Change			
<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Procedural	<input type="checkbox"/> Legislative	<input type="checkbox"/> No Change

C) As part of the Department's SB2 guidance, clarify that management plans are allowed as part of section iv as long as the recommendations are objective, do not require discretionary action, and limited to health and safety.

Type of Recommended Change			
<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Procedural	<input type="checkbox"/> Legislative	<input type="checkbox"/> No Change

Background Information:

Relevant Government Code Sections:

65583.- The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.

(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.*
- (ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.*
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.*
- (iv) The provision of onsite management.*
- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.*
- (vi) The length of stay.*
- (vii) Lighting.*
- (viii) Security during hours that the emergency shelter is in operation.*

(c) (1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes,

housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

65583.2(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing.

Discussion:

Issues in relationship to the requirement to determine whether the inventory can provide for a variety of types of housing and provision of emergency shelters include:

- Criticism that the inventories do not reflect how the varieties of housing types are accommodated especially for agricultural workers.
- Single Room Occupancy units are not consistently included throughout the statute leading to confusion on how jurisdictions should accommodate this housing type.
- Use of other criteria for emergency shelters such as proximity criteria and management plan in emergency shelter ordinances.
- Mobilehomes are not adequately analyzed or included in the housing element.

Relevant survey information:

Emergency Shelters

- Clarify standards allowed for emergency shelters. Should additional emergency shelter proximity criteria and other development standards such as approval of management plans be allowed? (GC 65583 (a)(4)(A))
- Cities often identify sites to allow emergency shelters by right without analyzing their capacity or suitability for the development of emergency shelters on those sites.
- Oppose expansion of cities' ability to require approval of management plans because cities can use this power to restrict the siting of shelters or to make it harder for shelters to serve certain populations.

Farmworker Housing

- Farmworker needs are not equivalent to all low-income housing needs, as many jurisdictions state. For this reason, sites adequate to meet low-income RHNA are not sufficient to meet farmworker needs. Issues include the needs of families, migrant workers, and transportation needs for migrant or permanent workers.

- HCD does not require jurisdictions to address the area's need for farmworker housing in addition to its assigned RHNA. But §65583(c)(1)(C) requires jurisdictions to identify adequate sites to accommodate farmworker housing needs over and above the sites identified to accommodate RHNA. Sites for housing for persons employed in ag should be available in nearby urban areas. RHNA allocations do not take into account the housing needs of farmworkers. Just because a jurisdiction has sufficient sites to meet the RHNA do not mean there are sufficient sites to meet farmworker housing needs.

Mobile Homes

- The stock of mobile homes in the state is diminishing as communities close existing parks. Sites for new mobile home / manufactured housing should be identified in the element to encourage development of new sites
- Maximize use of resources such as existing mobile home parks to provide housing.
- The failure of jurisdictions to properly zone for mobile homes has resulted in numerous conversions of mobile home sites.
- Jurisdictions must be held to their obligation to zone sites for mobile homes. Mobile home park closures often mean the permanent loss of unsubsidized affordable housing, and mobile home zoning can help to make these closures less likely.